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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,309	06/09/2006	Hisashi Ohtsuki	6340-000076/US/NP	4980
27572	7590	06/06/2011		
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EXAMINER				
JOYCE, WILLIAM C				
ART UNIT		PAPER NUMBER		
3656				
MAIL DATE		DELIVERY MODE		
06/06/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,309

Applicant(s)

OHTSUKI, HISASHI

Examiner

WILLIAM C. JOYCE

Art Unit

3656

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Information Disclosure Statement filed January 11, 2011 for the above identified patent application.

1. The indicated allowability of claim 1 is withdrawn in view of the newly discovered reference(s) to Shibuya (JP 2002-187406). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya (JP 2002-187406) in view of at least one of Mizukoshi et al. (USP 5,975,767) or Japanese Reference 57-194805.

Shibuya discloses a vehicle wheel bearing apparatus coupled with an axle housing structured as a unit of a wheel hub and a double row rolling bearing comprising: an inner member (9) including a wheel hub integrally formed with a wheel mounting flange (11) on one end, a central bore with an inboard side end and an outboard side end formed in the wheel hub, an inner circumferential surface of the central bore (10) of the wheel hub is formed with a serration for a

drive shaft that passes into the inboard side end of the central bore, an axially extending cylindrical portion with a pair of inner raceway surfaces (12) extend from the flange; one or more inner rings (28) being press-fit onto the cylindrical portion of the wheel hub, the one or more inner rings are formed with at least one of the inner raceway surfaces on its outer circumferential surface; an outer member (4) is arranged around the inner member, the outer member is formed with double row outer raceway surfaces (6) on its inner circumferential surface opposite to the inner raceway surfaces; double row rolling elements (32) are arranged between the inner and outer raceway surfaces of the inner member and the outer member; a cage (14) freely rollably holds the rolling elements; seals seal an annular space between the inner member and the outer member; a differential axle housing (1) connected to the outer member and extending along the drive shaft; and a cap (38) defining a partition wall on the wheel hub at its outboard side to close the outboard side end of the central bore of the wheel hub, and the partition wall prevents ingress of rain water or dust from an end portion of the drive shaft and thus into the differential gear oil.

Shibuya does not disclose the partition wall being integrally formed on the wheel hub. The prior art to Mizukoshi et al. teaches at least two embodiments of a wheel hub, wherein the different embodiments teach different partition wall arrangements. For example, Figure 7 shows a hub having a partition wall formed as a cap member (64) and Figure 1 shows a hub having an integral partition wall

(65), wherein Figure 2 shows the partition wall being located on an axis of the wheel hub in a direction toward an inner side end of the mounting flange. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cap member of Shibuya with a partition wall being formed integrally with the hub, as taught by Mizukoshi et al., motivation being to prevent the cap from accidentally becoming detached from the hub during operation.

Alternatively, the prior art to JP '805 teaches in Figure 2 a wheel hub (21) having an integrally formed partition wall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wheel hub of US Shibuya with an integrally formed partition wall formed on the wheel hub at its outboard side to close a central bore of the wheel hub, as taught by JP '805, motivation being to provide a durable hub device having a reduced number of components by eliminating the need for a cover member.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya (JP 2002-187406) in view of at least one of Mizukoshi et al. (USP 5,975,767) or Japanese Reference 57-194805, as applied to claim 9 above, and further in view of Yamamoto (US Patent 7,255,482).

The prior art to Shibuya does not disclose the hub assembly having the claimed hardened surfaces. However, the prior art to Yamamoto discloses an outer

circumferential region of the wheel mounting flange from an inboard base side to the axially extending cylindrical portion is hardened by high frequency induction hardening to have a surface hardness of about 54-64 HRC, and the caulked portion remains unhardened to have a surface hardness of 25 HRC or less after forging. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bearing device of Shibuya with the claimed surfaces, as taught by Yamamoto, motivation being to provide hardened wear resistant hub surfaces while prevent cracking of the caulked portion during manufacture.

Conclusion

5. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on January 11, 2011 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. JOYCE whose telephone number is (571)272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WILLIAM C JOYCE/
Primary Examiner, Art Unit 3656